THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20428 OF 2007

DATED: 05-10-2007

BETWEEN

Talluru Balaramaiah,
S/o. Venkappa Naidu,
Plot No.837, Road No.43,
Jubilee Hills, Hyderabad
and two others.

...PETITIONERS

AND

The Revenue Divisional Officer,
Kavali, Nellore District and
two others.

...RESPONDENTS

ORDER:

Petitioners submit that they have purchased various extents of land in various survey numbers mentioned in the memorandum of writ petition situated at Marellapadu Village, Dagarthi Mandal, Nellore District and the said lands are not ceiling surplus lands or assigned lands and pattadar passbooks have been issued in favour of their vendor and after verifying the revenue records only they have purchased the said lands.

2. Petitioners further submit that, in fact, their vendor Nalluru Nagendra Babu earlier filed W.P.No.22686 of 1996 alleging that the second respondent herein i.e. the then Mandal Revenue Officer, Dagarthi Mandal, is taking steps to dispossess him without following due procedure prescribed in law and the said writ petition was disposed of by order dated 05.11.1996 directing that if

the authorities propose to take any action against him they shall take such action in accordance with law. They further submit thereafter they purchased the said lands. Therefore, the second respondent is attempting to take similar action against them on the ground that they are not party to the said writ petition.

3. Learned Government Pleader appearing for the respondents, after obtaining instructions, submits that the lands mentioned in the memorandum of writ petition are surplus ceiling lands declared by Nalluru Madhusudhana Rao vide C.C.No.1877/KVI/75 for the total extent of Ac.66.48 cents on 19.07.1985 and after the vesting the said lands in the Government, 52 beneficiaries of Marellapadu Village have been assigned the said lands.

4. I am of the opinion that even if the lands in question are surplus lands and assigned to 52 beneficiaries and even if either the beneficiaries or the son of the surplus land holder sold the said lands, the respondents have to got to follow due procedure prescribed either under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 or under the provisions of the Land Encroachment Act, 1905; but without following due procedure prescribed in law it is not just and proper to dispossess the petitioners.

The writ petition is accordingly disposed of directing the respondents not to dispossess the petitioners without following due process of law. There shall be no order as to costs.

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V. ESWARAIAH, J

October 5, 2007
DSK